

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 318
CASE NO. 79-19/78-7F
JULY 10, 1980

Pursuant to notice, a public hearing was held on May 19, 1980 to consider the final application for a Planned Unit Development filed by Prudential Insurance Company of America ("Prudential") and the Washington Metropolitan Area Transit Authority. The application does not request a change of zone.

FINDINGS OF FACT

1. This is an application for final approval under Article 75 of the Zoning Regulations for a Planned Unit Development. The site is located on the west side of the 4200 block of Connecticut Avenue, N.W., Lots 800 and 801 in Square 2047, and contains 65,000 square feet and is zoned C-3-A.
2. At present the site is unimproved land bounded on the east by Connecticut Avenue, on the south by Veazey Terrace, on the west by the University of the District of Columbia and on the north by Idaho Avenue, N.W.
3. The applicant does not request a change of zoning and will utilize the existing C-3-A zoning. The site is surrounded by C-3-A zoning to the east and to the north. The University of the District of Columbia property is owned by the Federal Government and is not subject to zoning.
4. The C-3-A District as a matter-of-right permits office and retail commercial uses, to a maximum height of sixty-five feet, a maximum floor area ratio ("FAR") of 4.0 with commercial uses limited to 2.5 FAR, and a maximum lot occupancy of seventy-five percent for residential uses. Under Section 7501 of the Zoning Regulations, the guideline for maximum height is ninety feet and the guideline for maximum permitted FAR is 4.5 for residential development and 3.0 for commercial development.

5. The existing land uses adjacent to the subject site are medium-high density retail commercial and offices in the van Ness Center to the east, low-medium density retail commercial and offices to the north, and institutional in the form of the University of the District of Columbia to the south and the west.

6. The existing land uses in the general area include the medium-high density residential/commercial corridor along Connecticut Avenue which is surrounded by low density residential uses, and institutional properties such as the University of the District of Columbia and the Chancery Center.

7. The site was acquired by WMATA to accommodate the construction of the west entrance to the Van Ness/UDC Metro Station, twenty-five "Kiss n' Ride" spaces, and five off-street bus bays. The site is presently being utilized by a WMATA contractor as a staging area for construction of the subway.

8. Application for preliminary approval of a Planned Unit Development was filed on January 31, 1978. On December 14, 1978 the Commission approved the first stage Planned Unit Development application by Order No. 245, subject to the guidelines and conditions contained in that Order.

9. Application for final approval of the Planned Unit Development was filed on November 19, 1979. The applicant requested that the second-stage Planned Unit Development application be processed in accordance with Article 75 of the Zoning Regulations, as amended on February 8, 1979. While the application for preliminary approval of this Planned Unit Development was filed prior to the adoption of the amended Regulations, pursuant to Paragraph 7501.42 of those Regulations, the second stage application may be processed in accordance with Article 75 as amended at the option of the applicant and with the approval of the Commission. The effect of processing these applications under the revised Regulations is to allow the applicants to file directly for building permits after final approval by the Zoning Commission, without requiring review by the Board of Zoning Adjustment as was previously the normal requirement. The plans and other information submitted in support of the application are sufficiently detailed to enable review by the Zoning Administrator, without review by the BZA. The Commission granted the applicant's request to have the application processed under the amended Regulations when it set the matter for hearing on January 10, 1980.

10. The applicant proposes to construct a multi-story office and retail commercial structure, incorporating Metro-rail, Metro-bus and Kiss and Ride mass transit facilities, which generally satisfies the guidelines, conditions and standards of Order No. 245. The proposed facility would provide 40,919 rentable square feet of retail commercial space on the first two floors and the first subgrade level and 162,359 rentable square feet of office space on the five top floors. The uses of the proposed project are confined to office and retail commercial, parking and mass transit facilities, all of which are permitted as a matter of right in a C-3-A Zone District.

11. In granting preliminary approval to the Planned Unit Development application, the Zoning Commission established guidelines, conditions, and standards to be applicable to the final application. In evaluating the proposed building in relation to those guidelines, conditions and standards, the Commission finds as follows:

- a. Application for final approval of the Planned Unit Development was filed on November 15, 1979. No change of zone was requested.
- b. The Floor Area Ratio for the proposed project is 3.31, excluding the areas devoted to Metro facilities from the gross floor area of the building.
- c. The maximum height of the southern portion of the proposed building, as originally proposed, is thirty-five feet, while the maximum height of the northern portion is seventy-five feet. The building steps up from three stories on the southern portion to seven stories on the northern portion. This massing provides an effective and attractive transition from the University of the District of Columbia plaza level - at three stories - to the five, six and seven story buildings along Connecticut Avenue. This design also succeeds in reducing the scale and apparent size of the proposed project.
- d. The proposed project would cover sixty-five percent of the lot and would afford ample open space for pedestrian circulation.

- e. The application proposed 252 parking spaces, including 27 vault spaces, which would be a 41% reduction below the normal minimum requirements of a C-3-A Zone District. This reduction is justified by the project's provision of mass transit facilities directly on the site and would promote the use of mass transit.
- f. The application provided for four loading berths in accordance with Order No. 245. However, only three loading berths are actually necessary for the proposed project. This reduction from four to three loading berths would facilitate pedestrian movement, increase landscaping and enhance the aesthetics of the project, without hindering the function of the building.
- g. The design of the proposed project is complementary to the architecture of the University of the District of Columbia. The proposed project is a building with flat facades on the upper levels, would not compete with, or take undue attention from, the University of the District of Columbia buildings. The tan/buff brick proposed for the project would be a close match to the concrete color of the campus buildings. The dark glass and dark trim proposed would be similar to that of the University of the District of Columbia buildings. The predominantly horizontal window expression, punctuated by large, irregularly placed glass areas, would relate directly to the fenestration of the most visible campus buildings, and to the adjacent non-campus buildings along Connecticut Avenue as well.
- h. The proposed project has been sited and massed with due regard for the visibility to and from the campus. Because the building would angle back from Connecticut Avenue toward the UDC Administration Building and Student Center, a major pedestrian plaza around the Metro station would result, and the view toward the Campus from the north would be enhanced. By the same device, holding the proposed building low on the south and stepping it away from the Campus would preserve and frame views of and from both UDC buildings and the raised Campus plaza.

- i. The application proposes a pedestrian bridge which would link UDC's pedestrian plaza with the proposed project. This design was coordinated with and approved by UDC officials and the Commission on Fine Arts.

12. The project is an example of joint development of a private building over the location of public mass transportation station. The Commission finds that such development will tend to maximize the public investment in the Metro system, encourage greater use of mass transit and provide an attractive urban development along that portion of Connecticut Avenue. The Commission finds that the public benefits and other meritorious aspects of the project are sufficient to allow the applicant to exceed the normal 3.0 FAR guidelines for the C-3-A District.

13. The proposed landscaping plan accomplishes four significant objectives: (1) Continuity with the existing landscaping along Connecticut Avenue; (2) compatibility with the landscaping of the UDC Campus; (3) provision of an attractive and functional reception area for Metro-rail patrons; and (4) enhancement of pedestrian activities on the site.

14. The applicant's compliance with the thirty-five foot height maximum on the southern portion of the building would result in a severe west to east downward slope of the pedestrian bridge connecting the proposed project with the UDC plaza. While an increase of nearly six feet would be required to eliminate the sloping, an increase in the building height by three feet six inches on the southern portion would reduce this slope, with virtually no change to the views to and from the UDC campus. Such increase would also permit the commercially beneficial increase in the ceiling heights of both the ground and plaza level retail areas. In addition, it is necessary and advisable to increase the maximum permitted height on the northern portion of the building as well by the same three feet six inches to preserve architectural integrity, with no adverse effect on the views to and from the UDC campus.

15. The traffic circulation plan minimizes potential conflicts among vehicles and between vehicles and pedestrians. The applicant has proposed several traffic control techniques which help accomplish this goal: (1) installation of a traffic signal at the intersection of Connecticut and Idaho Avenues; (2) configuration of Idaho Avenue of forty feet curb-to-curb, with one westbound lane and two eastbound lanes, with the left eastbound lane designated left turn only; (3) designation of a marked crosswalk on Connecticut Avenue, just south of the intersection with Idaho Avenue; and (4) installation of a stop sign and flashing red light at the Kiss and Ride exit on Veazey Terrace.

16. The applicant's expert traffic engineer testified that the proposed project would require approximately 250 parking spaces. The D.C. Department of Transportation concurred in this determination, based upon its own analysis. The applicant's expert traffic engineers and the D.O.T. also concurred that a substantial amount of passenger drop-off and pick-up activity would occur in and around the site, whether or not a Kiss and Ride facility were incorporated into the proposed project. If no Kiss and Ride facility were incorporated into the proposed project, this passenger drop-off and pick-up activity would largely occur on Connecticut Avenue, a major transportation artery in the District of Columbia. Such activity on Connecticut Avenue would have a substantial adverse affect on traffic circulation, not only in the immediate vicinity of the site but on Connecticut Avenue more generally.

17. The service area of the Van Ness Metro Station is not entirely within walking distance of the site. Existing and planned bus service for the service area is not sufficient to serve all potential Metro patrons, and the parking garage, as proposed, will have limited space. The WMATA, by using a Mode of Access model well accepted by traffic planners, determined that the need for a Kiss and Ride facility exists at this site.

18. The applicant's expert traffic engineer also testified that at Level of Service "D", traffic conditions on Connecticut Avenue will be well within acceptable urban design standards. The net increase of traffic attributable to the proposed project would not adversely affect traffic conditions in any significant way. The proposed project, with its inclusion of mass transit facilities, would promote the use of such facilities, and thereby, promote the policies and goals of the District of Columbia to minimize traffic and air quality deterioration.

19. The Office of Planning and Development by memorandum dated May 8, 1980 and by testimony presented at the public hearing, stated that the applicants' submission is an exceptionally good solution to the complex constraints and opportunities presented by the site and the Preliminary Order. The OPD thus recommended that the application be approved with certain guidelines, standards and conditions.

20. The Department of Transportation by memorandum dated May 7, 1980, and by testimony presented at the public hearing, stated that it had no objections to providing a stop sign or a flashing red light at the exit from the Kiss and Ride area into Veazey Terrace, as a vehicular safety measure and to ensure ease of access by UDC service trucks. The DOT also stated that while the Department can demonstrate technically that a traffic signal at Idaho and Connecticut Avenues is not necessary, DOT is prepared to provide one. The DOT will also provide or improve walk signals on Connecticut Avenue. The DOT further supported the need for having Kiss and Ride facilities at the subject station.

21. The Department of Environmental Services by memorandum dated April 23, 1980, stated that the proposed development should have no significant impact on DES's solid waste collection and disposal activities. Collection service will be provided by a contract hauler. The DES's disposal facilities have capacity to handle the additional solid waste that will be generated at the site.

22. The Fire Department by memorandum dated April 8, 1980, stated that it would have no objections to the proposal, and that it would not create a problem from a fire fighting standpoint as long as access is available to the front and rear of the building to accommodate fire apparatus. Such access is available.

23. The Police Department by memorandum dated April 17, 1980, indicated that the Department has the necessary resources and the flexibility to provide proper police service to the subject area during and after construction of the Metro station and proposed building. Patrol patterns will be adjusted to meet changing conditions as necessary.

24. Advisory Neighborhood Commission 3F, by letter dated May 15, 1980, indicated support of the application with reservations related to the presence of the Kiss and Ride and other aspects of the circulation plan.

25. The Forest Hills Citizens Association appeared as a party in opposition to the case. The Association apposed the inclusion in the building of the Kiss and Ride facility because of its perceived negative impacts on vehicular and pedestrian traffic patterns. The Association recommended that, if the Commission determined to allow the Kiss and Ride facility in the building, that ingress and egress be limited to Idaho Avenue, or the ingress and egress be reversed from the proposed plan. It was the view of the Association that either alternative would be preferable to the original proposed plan.

26. A representative of the University of the District of Columbia appeared and testified at the hearing. He expressed concern over the traffic circulation plan as it potentially impacted upon service access to the University campus, which is off both Veazey Terrace and Idaho Avenue. He further objected to the proposed pedestrian bridge. By letter dated May 20, 1980 the University clarified the record and advised the Commission that it had accepted the proffer of the pedestrian bridge by the developer and expected its construction.

27. As to the concerns of the Advisory Neighborhood Commission, the Forest Hills Citizens Association and the University of the District of Columbia related to traffic circulation, in Findings of Fact No. 16 and 17, the Commission determined that the Kiss and Ride facility is an integral part of the project. The Commission finds that elimination of that facility from the project at this time is undesirable from an overall perspective. Based on the expert testimony of the Department of Transportation, the Commission accepts the proposed traffic circulation plan as the most reasoned proposal to be implemented. The Commission notes further the testimony of the DOT at the hearing, and the measures to be provided to ameliorate the concerns raised in opposition. The Commission believes that the objections to the kiss and ride and circulation element are not sufficiently grounded in fact to require the elimination of the facility or modification of the traffic plan.

28. The proposed action was referred to the National Capital Planning Commission under the terms of the District of Columbia Self Government and Governmental Reorganization Act and the National Capital Planning Commission reported that approval of the proposed PUD will not have an adverse impact on the functions of the Federal Establishment or other Federal interests in the National Capital Region.

CONCLUSIONS OF LAW

1. The Planned Unit Development process is an appropriate means of controlling development at the subject site.

2. Approval of this final PUD application is appropriate, because it is generally consistent with the present character of the area and because it would encourage stability of the area.

3. The Commission, in its decision, has accorded to the ANC the "great weight" to which it is entitled.

4. The approval of the application would promote orderly development in conformity with the entirety of the District of Columbia Zone Plan as embodied in the Zoning Regulations and Map

of the District of Columbia.

5. The proposed application can be approved with conditions which would insure that development would not have an adverse effect on the surrounding area.

DECISION

In consideration of the Findings of Fact and Conclusions Law herein, the Commission hereby Orders approval of the Final Planned Unit Development for Lot 1 (formerly Lots 800 and 801) in Square 2047, located on the west side of the 4200 block of Connecticut Avenue, N.W., containing 65,000.62 square feet, subject to the following guidelines, conditions and standards:

1. The planned unit development shall be developed under the existing C-3-A District. There shall be no change of zoning for the planned unit development.
2. The planned unit development shall be developed in accordance with the revised plans filed with the Zoning Commission, dated May 19, 1980, prepared by Hartman-Cox, Architects and marked as Exhibit No. 42 of the record, as modified by drawings marked as Exhibit No. 64 of the record, except as those plans may be modified to conform to the guidelines, conditions and standards of this order.
3. The use of the building shall be limited to those uses permitted in the C-3-A District.
4. The floor area ratio of the building shall not exceed 3.5.
5. The building may include mass transit facilities associated with the Van Ness-UDC Metro station. The areas devoted to Metro facilities shall not be included in the gross floor area of the building.
6. The maximum height of the building shall not exceed 78 feet, six inches on the northern portion of the site, and 38 feet, 6 inches on the southern portion of the site. The roof structure of the building, including mechanical equipment and stair and elevator penthouses, may exceed the height limitations, but shall not exceed 18 feet, 6 inches in height above the level of the roof upon which it is located. The applicant shall delete the four proposed decorative towers located above the roof structure height limit, as shown on sheets 12,17, and 13 of exhibit no. 42.

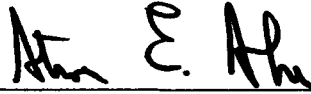
7. The percentage of lot occupancy shall not exceed 65 percent.
8. The number of off-street parking spaces provided shall not exceed 252.
9. Three loading berths shall be provided, two of which shall be forty-five feet in depth and one of which shall be twenty feet deep.
10. The applicant shall construct a pedestrian bridge, which shall be a minimum of ten feet wide, connecting the pedestrian plaza adjacent to the Student Center and Engineering buildings of the University campus with the fourth floor terrace of the building, generally as shown on sheet 8 of Exhibit No. 42 of the record.
11. Landscaping shall be provided as shown on the landscape plan, marked as Exhibits No. 45 and Sheets 6 and 26 of Exhibit No. 42, as modified by sheets 1 (C1) and 1 (C2) of Exhibit No. 65. In addition, the applicant shall substitute for the red oak located between the loading dock and the parking garage entrance, a tree of columnar shape to allow trucks to pass under the tree without damaging the branches. In addition, the design of the planter on the fourth floor terrace shall be as shown on sheet 1 (A1) of Exhibit No. 65.
12. No building permit shall be issued for this planned unit development until the applicant has recorded a covenant in the land records of the District of Columbia, between the owner and the District of Columbia, and satisfactory to the office of the Corporation Counsel and the Zoning Regulations Division, which covenant shall bind the applicant and all successors in title to construct on and use this property in accordance with this Order or amendments thereof by the Zoning Commission.

Vote of the Commission taken at the public meeting held on June 12, 1980: 4-0 (Commissioners Theodore F. Mariani, Walter B. Lewis, George M. White, and John G. Parsons to APPROVE WITH CONDITIONS, Commissioner Ruby B. McZier not present, not voting).

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THEODORE F. MARIANI
Chair
Zoning Commission



STEVEN E. SHER
Executive Director
Zoning Secretariat

This order was adopted by the Zoning Commission at its public meeting held on July 10, 1980 by a vote of 4-0 (Walter B. Lewis, John G. Parsons and Theodore F. Mariani to adopt, George M. White to adopt by absentee vote, Ruby B. McZier not voting not having participated in the case).

In accordance with Section 4.5(e) of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, this order is final and effective on 18 JUL 1980